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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A.T., individually,

Plaintiff,

vs.

EVERETT SCHOOL DISTRICT, a public
corporation; CAROL WHITEHEAD, an
individual; CRAIG VERVER, an individual,

Defendants

No.

COMPLAINT FOR DAMAGES

Demand for Jury Trial

COMES NOW Plaintiff, by and through her attorneys Darrell L. Cochran and Kevin M. Hastings, and the law firm of Pfau Cochran Vertetis Amala PLLC, to bring a cause of action against the defendant, and allege the following:

I. PARTIES

1. Plaintiff A.T. Plaintiff A.T. is a sexual abuse victim. At all relevant times, A.T. was a resident of Snohomish County, Washington, where she was repeatedly abused as a minor by Everett School District teacher, Craig Verver.

COMPLAINT FOR DAMAGES

1 2. Defendant Everett School District. Defendant Everett School District (the
2 “District”) is a public corporation organized under the laws of the State of Washington and is
3 authorized to be sued in such corporate capacity for its acts and those of its agents and
4 employees. The District has its primary place of business at 3900 Broadway, Everett,
5 Washington, Snohomish County, and is subject to the provisions of Title 28A of the Revised
6 Code of Washington. At all times material, the District operated, and otherwise exercised
7 control over, the public schools within the District, for the benefit of the school-aged children
8 residing in Everett School District. The District is responsible for all conduct of its agents and
9 employees with respect to the attendance of A.T. at school in the District. At all relevant times,
10 the District had supervision and control of A.T. in loco parentis. The District also had a duty
11 not to expose students to dangers that they otherwise would not have faced and/or not to
12 increase the risks associated with existing dangers to its students.
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14 3. Defendant Carol Whitehead. Defendant Carol Whitehead was the District
15 superintendent and a resident of Snohomish County, Washington, at all relevant times. She
16 was familiar with and knowledgeable of Defendant Craig Verver and upon information and
17 belief knew about the sexual relationship with Defendant Verver and A.T. At all times relevant,
18 Defendant Carol Whitehead acted under the color of law. Defendant Whitehead had the
19 authority to take corrective action and had actual notice of wrongdoing under 42 USC § 1983
20 and yet was deliberately indifferent to the wrongdoing.
21

22 4. Defendant Craig Verver. Defendant Craig Verver was a District teacher and
23 resident of Snohomish County at all times. He groomed minor A.T. for sexual gratification,
24 using his position of power to do so. He then maintained an unlawful sexual relationship with
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1 A.T. and frequently had sexual intercourse with her. At all times relevant, Defendant Craig
2 Verver acted under the color of law.

3 4 **II. JURISDICTION AND VENUE**

5 5. Jurisdiction. Subject matter jurisdiction is predicated on federal question
6 jurisdiction (28 U.S.C. §1331 and § 1343) due to claims under 42 U.S.C. §1983, and
7 supplemental jurisdiction under 28 USC §1367.

8 6. Venue. Venue is proper in this district under 28 U.S.C. § 1391(b), since all
9 defendants reside or resided in this district and the events giving rise to the claims occurred in
10 this district, in Snohomish County.

11 12 **III. FACTS**

13 7. Facts; A.T. was Craig Verver's pupil for two years while in high school. A.T.
14 was Craig Verver's pupil in his AP English class during the 2001-2002 school year and during
15 the 2002-2003 school year. She was also Verver's pupil in his Philosophy class during the first
16 semester of the 2002-2003 school year and in his Speech and Debate class during the second
17 semester of the 2002-2003 school year. A.T. also held leadership positions in the National
18 Honor Society, where Verver was the faculty advisor: She was a Cabinet Member in the 2001-
19 2002 school year and then was the President during the 2002-2003 school year. Verver also
20 worked closely with A.T. in planning her Senior Project.

21 8. Facts; Carol Whitehead was the District's superintendent at all relevant times.
22 At all relevant times, Carol Whitehead was the District's superintendent. She was familiar with
23 Verver because of his involvement with the annual awarding of the Superintendent Scholar
24 Award. Upon information and belief, she knew about the relationship between Verver and A.T.
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1 as further explained below. At all times relevant, Defendant Carol Whitehead acted under the
2 color of law. Defendant Whitehead had the authority to take corrective action and had actual
3 notice of wrongdoing under 42 USC § 1983 and yet was deliberately indifferent to the
4 wrongdoing.

5 9. Facts; Verver began grooming and manipulating A.T. for sexual contact.
6 Beginning right away, Verver made A.T. feel special in his classroom. He teased her a lot in
7 class and gave her excessive attention. He also would promote her as a “scholar” and a potential
8 leader. During the 2001-2002 school year, when A.T. was a Junior, Verver signaled out A.T.
9 and asked her to come by his classroom to talk after school. During that conversation, Verver
10 said that she would need to take “calculated risks” to be exceptional and extraordinary to stand
11 out for college admissions. A.T. was only 16-years-old at the time and she felt really excited
12 that Verver thought she could be exceptional and extraordinary.
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14 10. Facts; Verver began grooming and manipulating A.T. for sexual contact.
15 Throughout the 2001-2002 school year, A.T. was replaying the conversation Verver had with
16 her to be exceptional and extraordinary, and she was looking for things to do to distinguish
17 herself. Verver nominated A.T. for an Outstanding Student award in April 2002, and he hugged
18 her at the ceremony, which made A.T. feel special. Verver steered her towards attending Girl’s
19 State in the summer of 2002, and urged her to run for Honor Society President for the following
20 year. It was very obvious that Verver was hand selecting A.T. for the Honor Society President
21 position, which would require working very closely with him as the faculty advisor. The other
22 students who were going to run for the President position dropped out because A.T. was seen
23 as Verver’s favorite. A.T. ran unopposed and won. At the end of the 2001-2002 school year,
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1 Verver gave A.T. his personal email address and cellular phone number so that they could be
2 in contact over the summer.

3 11. Facts; Verver began grooming and manipulating A.T. for sexual contact. On
4 October 20, 2002, Verver rapidly escalated his grooming of A.T. for sexual contact. A.T.
5 remembers this day well because it was the day after the Homecoming Dance of her senior year.
6 The Honor Society was responsible for cleaning up the dance afterwards, and Verver kept A.T.
7 for hours after everyone left. He focused the conversation around the “uniqueness” of their
8 relationship, making it very clear that “it’s not like he picks some student each year” and that
9 she was just the “one for now.” Verver told her that she was an “exact female version of him,”
10 only that she would turn out better because of her strong “moral core” and her friends. Verver
11 said that he worried about his role in her life and was envious of her parents because A.T. might
12 leave him after graduation while she would always be her parents’ child. Verver also talked
13 about how much he worried about A.T.’s future and who she would become. He took a very
14 protective stance against who A.T. might date or when she might choose to marry. He also told
15 A.T. that he and his wife had been fighting a lot because she really wanted to have kids, but he
16 did not want having children to impact his teaching, but was not sure he was making the right
17 choice. A.T. was completely taken aback by this sudden outpouring of intimate details, but she
18 also felt a feeling of flattery and special attention.
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22 12. Facts; Verver began grooming and manipulating A.T. for sexual contact. About
23 a week or two after the Homecoming Dance, Verver told A.T. that, if she noticed a “little grey
24 cloud hanging over his head,” it was because his wife had just told him that she was pregnant.
25 Since she was over 35, they were not going to announce it until the pregnancy had progressed
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1 to a safe point, so Verver told A.T. to keep it a secret and not tell any of her friends. Verver
2 added that he was crushed about the news.

3 13. Facts; Verver escalated grooming and made sexual contact with A.T. Verver
4 had done such a comprehensive job grooming A.T. that she began confiding with him about
5 her relationships with boys. During one of these conversations, A.T. told Verver that she felt
6 uncomfortable and unsure about expressing her boundaries. At this point, Verver came over
7 and sat next to her on the couch and said, "Do you feel uncomfortable about me sitting here?"
8 He then put this hand on A.T.'s thigh and asked if her date did that, would be able to tell him
9 no? And Verver asked if she felt uncomfortable, would she be able to tell Verver no?
10

11 14. Facts; Verver escalated grooming and manipulating A.T. for sexual contact.
12 A.T. turned 18-years-old on January 5, 2003. Later that month, she stopped by Verver's
13 classroom. He hugged and kissed her at the door and gave her a kiss on the cheek. The next
14 time she saw Verver, he asked A.T. how she had felt about the kiss, and she said that it made
15 her nervous. Verver asked if she had thought that he was going to kiss her on the mouth, and
16 she said, no. Then Verver kissed A.T. on the cheek again, but only after he had hesitated as if
17 he was going to kiss her on the mouth.
18

19 15. Facts; Verver escalated his sexual contact with A.T. At the end of January 2003,
20 A.T. was in his classroom on a weekend, and Verver said, "You look cold." He brought her a
21 blanket and said, "I'm going to steal a kiss" and then kissed her on the mouth. A.T. was very
22 upset, and her mouth kept quivering, and she felt like there was a big misunderstanding. She
23 felt very confused and betrayed. He then came around and said, "I'm going to steal another
24 kiss" and he did. Then he suggested that they move to the couch, which A.T. numbly did.
25 Verver kissed her heavily with his tongue and tried to put his hands up her shirt. She felt
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1 powerless and scared about making him angry. When she got home later that day, she hid in
2 the closet and cried uncontrollably. She considered switching out of Verver's class, but she
3 was too afraid of the potential repercussions. The following school day, Verver pulled A.T.
4 aside and asked her to come by before school to discuss what happened. He said it could never
5 happen again, but then he pulled her in and kissed her hard. He said, "Well, we both knew we
6 couldn't help ourselves."

8 16. Facts; Verver escalated his sexual contact with A.T. and took her virginity.
9 Moving forward from January 2003, the physical encounters consistently escalated in intensity
10 and intimacy. He would tell A.T. what to do, but she was so inexperienced and naïve that she
11 often did not know what he meant. He expressed a lot of enthusiasm and pride in teaching her
12 and helping her discover her sexuality, delighting in her virgin status and inexperience while
13 also expressing surprise, because she was "such a natural." He gleefully threatened that "no
14 one would ever believe you" if she told them, because he's seen as so proper and professional,
15 so this would run so contrary to his reputation. He built up a romantic narrative of them as
16 thwarted lovers who would always have unfinished business, constantly expressing how tragic
17 their twenty-year age difference was. Then, on April 26, 2003, when A.T. had come by his
18 classroom on the weekend to gather supplies for an Honor Society car wash for that afternoon,
19 Verver brought out a packet of condoms and asked her to put one on him. When A.T. hesitated
20 he said, "Do you want me to wear this? Then you put it on me." She did, and Verver took her
21 virginity.
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24 17. Facts; Verver repeatedly had sexual contact with A.T. on school grounds during
25 2003. Verver had sexual intercourse with A.T. in his classroom in various locations: mostly
26 the couch, but also in the faculty restrooms, and in a supplies/storage space near the front office.

1 18. Facts; A.T. told Verver that she did not want to continue but Verver manipulated
2 the situation. A.T. told Verver on numerous occasions that she did not want to continue. Verver
3 said he “strangely wasn’t upset about cheating on his wife,” but that the only thing that upset
4 him was betraying A.T. as a student, and that he was afraid that the day she became a teacher,
5 she would fully realize what he had done and the line that he had crossed and that she would
6 hate him for it.

7
8 19. Facts; District agents knew that Verver was having inappropriate levels of
9 contact with A.T. During the 2002-2003 school year, Verver allowed A.T. to eat lunch most
10 days in his classroom and sleep on his couch after school. Other teachers often stopped by his
11 classroom after school and saw her in there frequently. Verver openly encouraged A.T. to visit
12 him at his classroom on weekends if she saw his car parked behind the building when she drove
13 by. Other teachers saw this contact, as well. Many teachers came by the classroom to see
14 Verver after school and on weekends and found his door locked. When Verver unlocked the
15 door and the teachers came in, they saw A.T. hanging out on his couch. Teachers also saw
16 Verver and A.T. leaving school together when Verver gave her rides home.

17
18 20. Facts; the District and its agents fell below the standard of care by failing to
19 protect A.T. The District, through its agents, knew or should have known about the sexual
20 grooming and contact that was occurring between A.T. and Verver. The District also failed to
21 establish policies and procedures that would have prevented the inappropriate relationship,
22 driven by Verver’s manipulation and grooming, from taking root and then flourishing. The
23 District was charged with protecting A.T., and it fell below the standard of care in doing so by
24 knowingly allowing the relationship between A.T. and Verver to become too close and intimate.
25 Had proper safeguards been put in place, A.T. would not have been subjected to Verver’s
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1 manipulation and ultimate sexual contact. A.T. has failed a state-law tort claim form and will
2 be amending her complaint for damages to include these state-law violations.

3 21. Damages. As a proximate result of Defendants' conduct alleged herein, Plaintiff
4 A.T. suffered damages for violations to her constitutional rights, as well as mental anguish and
5 emotional distress.

6 22. Punitive Damages. Defendants acted with callous and/or deliberate indifference
7 and with reckless disregard of Plaintiff's constitutional rights.
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10 **IV. CAUSES OF ACTION**

11 **COUNT I**
12 **VIOLATION OF CIVIL RIGHTS**
13 **AS TO WHITEHEAD AND VERVER**
14 **(42 U.S.C. § 1983)**

15 23. Civil Rights Violation. Based on the paragraphs set forth and alleged above,
16 Defendants Verver and Whitehead are liable for compensatory and punitive damages for their
17 creation of an actual, particularized danger that Plaintiff A.T. would be sexually groomed and
18 assaulted Verver, done in deliberately or with deliberate indifference toward the safety and
19 wellbeing of A.T., in conduct that shocked the conscious, including Defendant Verver's
20 intentional sexual battery and Defendant Whitehead's failure to protect the Plaintiff A.T. from
21 sexual abuse and exploitation while she was attending school, and for Defendant Whitehead's
22 deliberate indifference toward identifying Plaintiff A.T. as sexual abuse victims and reporting
23 the abuse to authorities and to the victims' parents, all done in violation of the Ninth and
24 Fourteenth Amendments and 42 USC § 1983.
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COUNT II
VIOLATION OF CIVIL RIGHTS - *MONELL*
AS TO THE DISTRICT
(42 U.S.C. § 1983)

24. Civil Rights Violation. Based on the paragraphs set forth and alleged above, the District is liable for compensatory and punitive damages for its actions in failing to promulgate, issue, and enforce appropriate procedures and policies concerning (1) the reporting of known or suspected sexual abuse of A.T., and (2) the safe education of its students that was free from sexual abuse and exploitation, the failure of which was done in deliberate indifference to Plaintiff A.T.'s and other students' wellbeing and safety, as well as for its actions in failing to adequately train, monitor, or supervise its administrators, staff, and teachers to ensure the safety of students free from sexual exploitation, including A.T., all in violation of the Ninth and Fourteenth Amendments and 42 USC § 1983.

COUNT III
VIOLATION OF TITLE IX
AS TO DEFENDANT EVERETT SCHOOL DISTRICT
(20 U.S.C. § 1681, *et seq.*)

25. Title IX. Based on the paragraphs set forth and alleged above, the District is liable for compensatory and punitive damages for its actions in creating and/or subjugating Plaintiffs A.T. to a hostile educational environment in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) ("Title IX"), when the District and its officials had actual knowledge of the sexual assaults of A.T. created by its failure to supervise Defendant Verver and to protect children, and when the District and its officials failed to take immediate, effective remedial steps to resolve the sexual harassment and instead acted with deliberate indifference toward Plaintiff A.T. and other similarly situated students, the result of which was

1 to exclude Plaintiff from participation in, being denied the benefits of, and being subjected to
2 discrimination in the District's education program in violation of Title IX.

3
4 **V. RESERVATION OF RIGHTS**

5 26. Reservation of Rights. Plaintiff reserves the right to assert additional claims as
6 may be appropriate following further investigation and discovery. Plaintiff specifically will
7 add a Washington negligence claim once the period for the tort claim runs.

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9 **VI. JURY DEMAND**

10 27. Jury Demand. Under the Federal Rules of Civil Procedure, Plaintiffs demand
11 that this action be tried before a jury.

12
13 **VII. PRAYER FOR RELIEF**

14 28. Relief. Plaintiff respectfully requests the following relief:

- 15 A. That the Court award Plaintiff appropriate relief, to include all special
16 and general damages established at trial;
17 B. That the Court impose punitive damages under any provision of law
18 under which punitive damages may be imposed;
19 C. That the Court award costs, reasonable attorneys' fees, and statutory
20 interest under any applicable law or ground in equity, including 42
21 U.S.C. § 1988 and all other applicable bases for an award of attorneys'
22 fees and litigation costs;
23 D. That the Court award pre-judgment interest on items of special
24 damages;
25 E. That the Court award post-judgment interest;
26

1 F. That the Court award Plaintiff such other, favorable relief as may be
2 available and appropriate under law or at equity; and

3 G. That the Court enter such other and further relief as the Court may deem
4 just and proper.

5 RESPECTUFLY SUBMITTED this 29th day of September, 2016.

6 By: /s/ Darrell L. Cochran
7 Plaintiff's Attorney

8 By: /s/ Kevin M. Hastings
9 Plaintiff's Attorney

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